



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 7, 2021

**INFORMATION REQUEST**

**URGENT LEGAL MATTER – PROMPT REPLY NECESSARY**

**VIA E-MAIL TO: [Imosier@bellsouth.net](mailto:Imosier@bellsouth.net)**

S. Jasper Taylor, IV  
P.O. Box 729  
Bells, Tennessee 38006

Re: Request for Information for the Alamo Contaminated Groundwater Site  
Alamo, Crockett County, Tennessee

Dear Mr. Taylor:

As discussed during our teleconference on November 16, 2020, the United States Environmental Protection Agency is currently addressing the release or threat of release of hazardous substances, pollutants or contaminants at the Alamo Contaminated Groundwater Site (Site). During the November 16, 2020 teleconference, you informed me that you represent Ms. C.A. Diamond, the owner of the property located at 28 E. Main Street, Alamo, Tennessee, 38001 (Wards Dry Cleaners). Accordingly, pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), Ms. Diamond is hereby requested to respond to the Information Request attached hereto. Instructions on how to respond to the questions, definitions that apply to the words appearing in the questions, and the questions are set forth in **Enclosure A** attached hereto.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within **14 calendar days** from the date of your receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by the EPA against your client pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). This statute permits the EPA to seek the imposition of penalties of up to \$58,328.00 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject your client to criminal penalties under 18 U.S.C. § 1001. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Please submit your client's responses to me by e-mail at [montanez.yeliann@epa.gov](mailto:montanez.yeliann@epa.gov) and by e-mail to Melissa Waters, Enforcement Project Manager, at [waters.melissa@epa.gov](mailto:waters.melissa@epa.gov) within **14 calendar days** from the date of your receipt of this letter. Your client's responses should be contemporaneously submitted by mail to U.S. EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303.

If you should have any legal questions, please contact me at (404) 562-9522. Further, if the deadline set forth herein proves difficult to meet given the COVID-19 situation, please contact the EPA so we might consider accommodations, as necessary. Your assistance and cooperation are greatly appreciated.

Sincerely,

**YELIANN  
MONTANEZ**

Digitally signed by  
YELIANN MONTANEZ  
Date: 2021.01.07  
14:52:19 -05'00'

Yeliann Montanez  
Associate Regional Counsel

Enclosure:

A. 104(e) Information Request Instructions, Definitions, Questions

## **ENCLOSURE A - INFORMATION REQUEST FOR C.A. DIAMOND**

### **ALAMO CONTAMINATED GROUNDWATER SITE**

#### **Instructions**

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the corresponding number of the question and the subpart to which it corresponds.
3. In answering each question, identify all documents and persons that contributed information relating to each question.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the question and the subpart to which it responds.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA thereof as soon as possible.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F); Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b); and 40 C.F.R. Section 2.203(b).

To make a confidentiality claim, please write or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope, and all materials for which you desire confidential treatment are in another envelope.

If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

7. Personnel, medical files, and similar files in which the disclosure to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
8. Where specific information has not been memorialized in any document, but is nonetheless responsive to a question, you must respond to the question with a written response.
9. If information responsive to this Information Request is not in your possession, custody, or control,

then identify the person from whom such information may be obtained.

10. If you have objections to some or all of the questions within the Information Request, you are still required to respond to each of the questions.

## **Definitions**

The following definitions shall apply to the following words as they appear in **Enclosure A**:

1. The term "you" or "Respondent" shall mean C.A. Diamond.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or the "facility" shall mean the Alamo Contaminated Groundwater Site located predominately suburban/rural area of Alamo, Tennessee consisting of a groundwater plume in the area of the Alamo municipal well field.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of the Resource Conservation and Recovery Act (RCRA).
6. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
7. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
8. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
9. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
10. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
11. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
12. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular,

form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

13. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

16. The term "Ward's Dry Cleaners Property" shall mean the property located on, at, or about 28 E. Main Street, Alamo, Tennessee.

### **Information Request Questions**

1. Identify the persons answering these questions on behalf of Respondent, including all persons consulted in answering these questions and the documents consulted, examined, or referred to in preparation of answering these questions. Provide true and accurate copies of all such relevant documents.
2. Identify the current owner and/or operator of the Ward's Dry Cleaners Property. State the dates during which the current owner and/or operator owned, operated or leased any portion of the property. In your response, provide copies of any relevant documents such as purchase and sale agreements, deeds, leases, etc.
3. How did you acquire the Ward's Dry Cleaners Property (purchase, inheritance, bequest, etc.)? Describe all facts on which you base the answer to the preceding question. In your response, provide:
  - a. Purchase and Sale Agreements;
  - b. Any disclosures made to you by the seller;
  - c. Appraisals of the Ward's Dry Cleaners Property at the time of acquisition;
  - d. Affidavits; and,
  - e. Deeds.
4. Did you acquire the Ward's Dry Cleaners Property after the disposal or placement of the hazardous substances on, in, or at the property? Describe all of the facts on which you base the answer to the preceding question.
5. Describe what you knew about the Ward's Dry Cleaners Property prior to your acquisition of the Ward's Dry Cleaners Property and provide your sources of information.
6. Did you know or have reason to know about the disposal or placement of hazardous substances on, in, or at the Ward's Dry Cleaners Property prior to your acquisition of the property?
7. Describe all investigations, such as all appropriate inquiries, of the Ward's Dry Cleaners Property you undertook prior to acquiring the property and all of the facts on which you base the answer to the preceding question. In your response, provide documentation concerning all investigations you undertook prior to acquiring the property.
8. Do you have any specialized knowledge or experience relating to evaluating or remediating environmental contamination on properties such as the Ward's Dry Cleaners Property? If so, please describe that knowledge or experience in detail.
9. Describe the nature of your activities or business at the Ward's Dry Cleaners Property, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the property.
10. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Ward's Dry Cleaners Property any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a. In general terms, the nature and quantity of the hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

- b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - c. The persons who supplied you with each such hazardous substance.
  - d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
  - e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
  - f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
  - g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
11. Identify all property, pollution and/or casualty liability insurance policies issued to you from January 1, 2015, through the present, including insurance policies providing you with liability insurance relating to the Ward's Dry Cleaners Property. For each policy, state:
- a. The name and address of each insurer and insured;
  - b. The amount of coverage under each policy;
  - c. The dates of coverage;
  - d. A list of claims made against any of the policies (claim number and description of claim); and,
  - e. Provide copies of any relevant documents (e.g. declarations, policies, etc.).
12. To determine your financial ability to pay, complete the Individual Financial Data Questionnaire attached hereto and provide copies of your federal and state tax returns, including schedules and attachments, for the preceding five years (2015 to 2019).
13. Are there any persons who are or were associated with the Ward's Dry Cleaners Property who may be better able to answer any of these questions? If so, please provide those persons' names, current mailing addresses, and current telephone numbers.





# Individual Ability To Pay Claim Financial Data Request Form

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental cleanup or penalties. If you need more space for your answers, please attach additional sheets of paper. Note that further documentation may be requested for any of your responses. Any other information you wish to provide supporting your case is welcome, particularly if you feel your situation is not adequately described through the information requested here.

<b>Name:</b>	
<b>Spouse's Name:</b>	
<b>Address:</b>	
<b>County of Residence:</b>	

## PART I. BACKGROUND INFORMATION

1. MEMBERS OF HOUSEHOLD (List the head of the household and all persons living with you)			
Name	Age	Relationship to Head of Household	Currently Employed?

2. EMPLOYMENT (List all jobs held by applicant and spouse.)			
Name	Employer	Length of Employment	Annual Salary

3. INCOME (List all income earned by persons in household. If members of the household other than the applicant and spouse earn income, please itemize on separate page.)						
Source	Gross (Pre-Tax)		Period of Payment (check one)			
	Applicant	Spouse	Weekly	Monthly	Quarterly	Yearly
Wages/Salaries						
Sales Commissions						
Investment Income (interest, dividends, capital gains, etc.)						
Net Business Income						
Rental Income						
Retirement Income (Pension, Social Security, etc.)						
Child Support						
Alimony						
Other Income (please itemize)						

## PART II. CURRENT LIVING EXPENSES

Please list personal living expenses which were typical during the last year and indicate if any of these values are likely to change significantly in the current year. Please do not include business expenses. If you are the owner of an operating business, please attach any available financial statements.

Expense	Amount	Period of Payment (check one)				For Agency Use Only
		Weekly	Monthly	Quarterly	Yearly	
<b>A. Living Expenses</b>						
1. Rent						
2. Home maintenance						
3. Auto fuel maint./other transp. other transportation						
4. Utilities						
a. Fuel (gas,oil,wood,propane)						
b. Electric						
c. Water/sewer						
d. Telephone						
5. Food						
6. Clothing, personal care						
7. Medical costs						
<b>B. Debt Payments</b>						
1. Mortgage payments						
2. Car payments						
3. Credit card payments						
4. Educational loan payments						
<b>C. Insurance</b>						
1. Household insurance						
2. Life insurance						
3. Automobile insurance						
4. Medical insurance						
<b>D. Taxes</b>						
1. Property taxes						
2. Federal income taxes						
3. State income taxes						
4. FICA						
<b>E. Other Expenses</b>						
1. Childcare						
2. Current School tuition/expenses						
3. Legal or professional services						
4. Other (itemize on separate page)						
<b>Total Current Expenses</b>						

### PART III. NET WORTH

Please provide the following information to the best of your ability. Data should be as current as possible. Estimates are acceptable; if you wish note such items with an "E". If you are the sole proprietor of a business, please list business assets and liabilities to the extent that the information sought is not already provided in your tax returns, in addition to personal assets and liabilities. Please mark these entries with a "B" to identify them as business assets and liabilities.

<b>1. BANK ACCOUNTS (Checking, NOW, Savings, Money Market, CDs etc.)</b>		
Name of Bank or Credit Union	Type of Account	Current Balance
For Agency Use Only - Total Current Balance in Bank Accounts		

<b>2. INVESTMENTS (Stock, Bonds, Mutual Funds, Options, Futures, Real Estate Investment Trusts (REIT), etc.)</b>		
Investment	Number of Shares or Units	Current Market Value
For Agency Use Only - Total Current Market Value of Investments		

<b>3. RETIREMENT FUNDS AND ACCOUNTS (IRA, 401(k), Keogh, vested interest in company retirement fund, etc.)</b>	
Description of Account	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Retirement Funds and Accounts	

<b>4. LIFE INSURANCE POLICIES (Whole Life, Universal Life, etc.)</b>			
Policy Holder	Issuing Company	Policy Value	Cash Value
For Agency Use Only - Total Value of Life Insurance Policies			

<b>5a. VEHICLES USED FOR COMMUTING PURPOSES</b> (Cars, Trucks, Motorcycles, etc. Only list up to two vehicles used for commuting purposes.)					
Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date
For Agency Use Only - Total Estimated Market Value of Vehicles					

<b>5b. OTHER VEHICLES (Cars, Trucks, Motorcycles, Recreational Vehicles, Motor Homes, Boats, Airplanes etc.) Attach separate sheets, if necessary.</b>					
Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date
For Agency Use Only - Total Estimated Market Value of Vehicles					

**6. PERSONAL PROPERTY** (Household Goods and Furniture, Jewelry, Art, Antiques, Collections, Precious Metals, etc. Only list items with a value greater than \$500.00)

Type of Property	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Personal Property

**7a. REAL ESTATE — PRIMARY RESIDENCE** (Home — List only one such residence.)

Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

**7b. OTHER REAL ESTATE** (Land, Buildings, Land with Buildings)

Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

8. OTHER ASSETS					
Type of Asset	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date
For Agency Use Only - Total Other Assets					

9. CREDIT CARDS AND LINES OF CREDIT		
Credit Card/Line of Credit (Type)	Owed To	Balance Due
For Agency Use Only - Total Balance Due on Credit Cards and Lines of Credit		

10. OTHER DEBT (Amounts due to individuals, Fixed obligations, Taxes Owed, Overdue Alimony or Child Support, etc.)				
Type of Debt	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Other Debt				



## **PART IV. ADDITIONAL INFORMATION**

Please respond to the following questions. For any question that you answer "Yes," please provide additional information on separate pages or at the bottom of this page.

QUESTION		YES	NO
1.	Do you have any reason to believe that your financial situation will change during the next year?		
2.	Are you currently selling or purchasing any real estate?		
3.	Is anyone (or any entity) holding real or personal property on your behalf (e.g. a trust)?		
4.	Do you hold partnership interest in a partnership or own/share ownership in a corporation?		
5.	Are you a party in any pending lawsuit?		
6.	Have any of your belongings been repossessed in the last three years?		
7.	Are you a Grantor, Trustee, Executor, or Administrator? If you are a Grantor, submit copy of trust as well the attachments & schedules.		
8.	Are you a participant or beneficiary of an estate or profit sharing plan?		
9.	Have you declared bankruptcy in the last seven years?		
10.	Do you receive any type of federal aid or public assistance?		

## **VERIFICATION AND AFFIDAVIT**

**Under penalties of perjury, I declare that this statement of assets, liabilities, and other information is true, correct, and complete to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the U.S. Environmental Protection Agency to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature